

C

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/645,409	VAN DE MOER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Julian W. Woo	3731	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to the amendment of 9/20/06.
  - 2. ☒ The allowed claim(s) is/are 1-24.
  - 3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    - 1. ☐ Certified copies of the priority documents have been received.
    - 2. ☒ Certified copies of the priority documents have been received in Application No. 07/781,091.
    - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  - 5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

<b>Attachment(s)</b>	
1. <input type="checkbox"/> Notice of References Cited (PTO-892)	5. <input type="checkbox"/> Notice of Informal Patent Application
2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)	6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____.
3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____	7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment
4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
	9. <input type="checkbox"/> Other _____.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Barry Stein, Reg. No. 25,257, on October 3, 2006.

2. The application has been amended as follows:

In the specification, on page 2, in the paragraph under "RELATED APPLICATIONS": After "July 17, 2000," insert --U.S. Patent No. 6,764,500, --. After "January 26, 1994," insert --now abandoned, --. After "October 22, 1991," insert --now abandoned--.

In claim 4, line 9, after "first resorbable," delete "section" and in its place, insert --segment--.

In claim 10, line 5, after "is," insert --changeable in shape and--. In line 6, after "blood," insert --vessel--. Also in line 6, after "and," insert --thereafter--.

In claim 12, line 4, after "is," insert --changeable in shape and--. In line 5, after "vessel," insert --, whereupon it changes shape--. In line 9, delete "toward" and in its place, insert --exterior to--.

In claim 21, line 1, delete "combination" and in its place, insert --combining of--.

In claim 22, line 1, delete "combination" and in its place, insert --combining of--.

Art Unit: 3731

In claim 23, line 1, delete "combination" and in its place, insert --combining of--.

In claim 24, line 1, delete "combination" and in its place, insert --combining of--.

In line 6, after "is," insert --changeable in shape and--. In line 8, after "vessel," insert -- , whereupon it changes in shape--. In line 10, delete "toward" and in its place, insert -- exterior to--.

3. The following is an examiner's statement of reasons for allowance: None of the prior art of record, alone or in combination, discloses an assembly or a bioabsorbable occlusion assembly for introduction into an incision and for sealing an opening in the wall of a blood vessel, a sealing device, or a closure assembly, and a method of sealing an incision and an opening in a blood vessel with the assembly, where the assembly or sealing device includes, inter alia, a sheath or first member, an occlusion element or a first resorbable segment, a retaining thread or a second resorbable segment, and a locking element or a third resorbable segment arranged to be slidably mounted on the retaining thread or the second resorbable segment to apply force to the outer wall of the blood vessel or to be moved exterior to and adjacent the outer wall surface of the blood vessel, where the occlusion element or first resorbable segment and a distal section of the retaining thread or second resorbable segment are arranged to be inserted through the sheath or first member, where the occlusion element is changeable in shape and is sized to be fitted through an opening in the wall of a blood vessel and thereafter to lie generally adjacent to the inner surface wall or change in shape.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

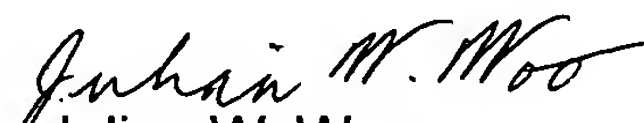
Art Unit: 3731

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian W. Woo whose telephone number is 571-272-4707. The examiner can normally be reached on M-F, 6:30-4:00, Alt. Fri. OFF, 6:30-3:00 Fri. IN.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anh Tuan Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Julian W. Woo  
Primary Examiner  
Art Unit 3731

October 4, 2006